

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALDEN PARK, LLC, a Delaware limited
liability company, and NORTHERN GROUP,

Plaintiffs/Counter-Defendants

v.

Case No. 08-12116
Hon. Lawrence P. Zatkoff
Magistrate Judge Michael J. Hluchaniuk

ANGLO IRISH BANK CORPORATION
LIMITED, a corporation organized under the
laws of the Republic of Ireland,

Defendant/Counter-Plaintiff

/

ORDER MODIFYING ORDER APPOINTING RECEIVER
FOR THE LIMITED PURPOSE OF PERMITTING THE BRICKLAYERS' FRINGE
BENEFIT FUNDS TO RECORD ASSIGNMENT OF CLAIM OF LIEN AND
ALLOWING THE BRICKLAYERS' FRINGE BENEFIT FUNDS TO BE ADDED AS A
PARTY DEFENDANT TO WAYNE COUNTY CIRCUIT COURT PROCEEDING

THIS MATTER is before the Court upon the stipulation of the parties [Docket No. 71]. The Court has reviewed the stipulation, finds good cause for entry of this Order, and is otherwise fully advised in the premises.

NOW THEREFORE,

IT IS HEREBY ORDERED as follows:

1. The Order Appointing Receiver is hereby modified for the limited purpose of permitting the Bricklayers' Fringe Benefit Funds¹ to record the Assignment of Claim for

¹ The Bricklayers' Fringe Benefit Funds are comprised of the Bricklayers' Pension Trust Fund – Metropolitan Area, the Bricklayers' & Trowel Trades' International Pension Fund, the Bricklayers & Trowel Trades' International Retirement Savings Plan, the Bricklayers' Holiday Trust Fund – Metropolitan Area, Trowel Trades' Health and Welfare Fund – Detroit & Vicinity, the Bricklayers' International Masonry Institute, the

Construction Lien Pursuant to MCLA 570.1125, *et seq.*, by Heineman & Lovett Co., Inc. and in Favor of Bricklayer' Fringe Benefit Funds – Detroit and Vicinity (the "Assignment of Lien") with the Wayne County Register of Deeds.

2. The Order Appointing Receiver is hereby modified to allow the Bricklayers' Fringe Benefit Funds to seek entry of an order from the Wayne County Circuit Court allowing them to be added as lien claimant defendants in the action entitled *Leo Weiss Plumbing and Heating, Inc. v. Alden Park, LLC, et al.*, Wayne County Circuit Court Case No. 08-017625-CH (the "Leo Weiss Action").

3. The above referenced actions are permitted for the sole purpose of allowing the Bricklayers' Fringe Benefit Funds to maintain the existence of the Claim of Lien and toll the statute of limitations with regard to the same. The Leo Weiss Action and any further action of the Bricklayers' Fringe Benefit Funds with regard to the Claim of Lien are otherwise stayed by the Receivership Order until further order of the Court.

4. Except as provided herein, the Order Appointing Receiver shall otherwise remain in full force and effect.

DATED: January 28, 2010

s/Lawrence P. Zatkoff
UNITED STATES DISTRICT COURT JUDGE